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Practical perspectives

Experts from three areas bolster a course on pollution control law



Environmental Law Program Director Kim Diana Connolly teaching in the clinic

Variety is the spice, and diversity of opinion is the goal, in a unique environmental law course offered this spring at SUNY Buffalo Law School. Rather than the traditional one-professor-one-viewpoint format, the course is being taught by three experts in the field of pollution control, along with the lead instructor, Law School Professor Kim Diana Connolly, who directs the school's Environmental Law Program.

The 21 second- and third-year law students in the course on pollution control law are learning in three-week "units," each taught by one of the four instructors. Subject areas include the Clean Water Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Clean Air Act and the Toxic Substances Control Act.

In addition to Connolly, the instructors – all with extensive experience in environmental law – are:

Well-known environmental law attorney **Richard J. Lippes '69**, of Richard

J. Lippes & Associates.

Tom Tyler, an official with the U.S. Environmental Protection Agency in Washington, D.C., and formerly a principal of a major trade association, who brings expertise in toxics and air quality issues.

Adam S. Walters, who leads the Land, Environment & Energy Practice Group of Phillips Lytle.

"We wanted to bring in experts who would teach short units of the course from a practical perspective and also share their outlook and experience from having been environmental law practitioners for decades," Connolly says. "We've designed it to feature three really different perspectives that are not just the academic perspective."

For example, she says, Walters discussed working for the "regulated community" – such as companies that need an environmental permit or a manufacturer who wants to build a road. And all three experts touched on the hottest issue in New York environmental law today: hydrofracturing to recover oil and natural gas trapped in under-

ground shale. Connolly says Tyler advocated for the EPA to get involved with fracking on a national level, and Lippes and Walters also have worked on this issue – which invokes regulations on air and water quality and emissions of toxic substances – from different perspectives.

The instructors explore why each statute was written, how it has been implemented by the agencies, how courts have interpreted it and how it works in practice. Students are learning about broader areas of authority under which agencies act (beyond just regulations and enforcement) and how the realities of clients and other stakeholders influence how the laws are applied.

Connolly provides the overall structure for the course, taught one three-week unit, sits in on every class and supervises the students' writing of "white papers" that will be posted on the Law School's Web site.

"We have these three people who have two things going for them that students love," she says – "deep expertise in their subject area and on-the-ground daily practice experience. They can talk about statutes, regulations and case law in a contextual way that is real. I'm able to add a little of the jurisprudence."

"Students say they're excited about the practical nature of what they're hearing in the classroom and the fact that they're hearing from people with real experience."

Student Robert Grimaldi '12 says of the course: "Each of these professors was an excellent resource, sharing personal insight on working on environmental issues such as Love Canal and current controversies dealing with air and water pollution and the handling of hazardous materials. After taking this course, I can now confidently state that I am practice-ready in the field of pollution control."

The course has been renewed for next year.



From top, Richard J. Lippes '69, Tom Tyler and Adam Walters